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An Humble

PROPOSAL

Of ſuch Particular Rules

AS ARE

Neceſſary to be Eſtabliſhed for the Setling

OF A

REGISTRY;

PRESENTED

By way of Inſtance to demonſtrate the Feſibility thereof, with ſubmiſion to better Judgments for any Amendments or Alterations therein.

LICENSED.

Roger L'Eſtrange.

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An Humble Propoſal of ſuch particular Rules as are neceſſary to be Eſtabliſhed for the Setling of a Regiſtry, &c.

I. THat an Office for a Regiſtry may be Erected within the Cities of *London* and *Weſtminſter*, and in every County of *England*, Dominion of *Wales*, and Town of *Berwick* upon *Tweed*, and in the Iſle of *Wight*, and other ſuch like places, to be conſtantly kept in ſome certain place within ſuch Cities or Counties.

II. That a proper Perſon at the nomination of His Majeſty, may be Conſtituted the Regiſter, by Letters Patents for Execution of ſuch Office, giving a thouſand pound Security, to be approved of by the Lord Chancellor, for his truth and fidelity.

III. That ſuch Regiſter may be bound to keep a large and ſubſtantial Book, of the beſt and ſtrongeſt ſort of Paper, for entring all Eſtates, Titles and Incumbrances, in ſuch manner as the party concerned ſhall direct under his Hand and Seal, teſtified by two Witneſſes, to be filed by the Regiſter for his Warrant in ſo doing.

IV. That ſuch Regiſter may keep a diſtinct Calendar of Lands when Regiſtred, under the Title of that Pariſh wherein the ſame Lands lie, for the more eaſie ſearching after the ſame.

V. That every Regiſter have leave to execute the ſaid Office, by one or more Clerks whom he ſhall depute under his Hand and Seal, for that purpoſe. A true Copy of ſuch Deputations to be always hanging up in the ſaid Office, that all perſons may know from whom to demand a diſpatch of their Buſineſs. And ſuch Regiſter

to

to be anſwerable for the miſdemeanor of ſuch deputed Clerks.

VI. That ſuch Regiſter, or his Clerks, give conſtant attendance upon the ſaid Office between the hours of Nine and Eleven in the forenoon, and between Three and Five in the Afternoon.

VII. That a ſhort extract of all Eſtates, Titles and Incumbrances whatſoever, (except Statutes, Judgments, Recognizances, and Bonds to the King) upon any Lands, Tenements, and Hereditaments, which are or may be charged upon the ſame, at or before the 26th. day of *March*, 1678. may be Regiſtred in the proper Office of the City or County where ſuch Lands, *&c.* lie, by the 24th. day of *June* then next following. Or otherwiſe ſuch Eſtate, Title, or Incumbrance, not being Regiſtred as aforeſaid, to be utterly void as to all ſubſequent purchaſers for a valuable conſideration, without notice, and ſuch extract to contain the date of the Deed: And all the parties to the ſame Deed, and all the parcels of Land, *&c.* conteined therein, in the expreſs words of the ſaid Deed, or otherwiſe, ſuch Eſtate to be eſteemed not well Regiſtred, and the party ſo Regiſtring to have no benefit thereby.

VIII. That from and after the ſaid ſix and twentieth day of *March*, all Eſtates, Titles, and Incumbrances (except as before excepted) which ſhall be charged upon any Lands, Tenements, and Hereditaments, ſhall be Regiſtred within forty days next after the Execution of ſuch Eſtate, Title, or Incumbrance or otherwiſe the ſame to be void againſt all ſubſequent Purchaſers as aforeſaid.

IX. That the ſpace of one hundred days, or the like be allowed for the Regiſtring of any Will, becauſe it many times happens that between the Heir and Executor, a Will may receive ſome delay before it be produced or proved.

X. That

X. That the Regiſter be allowed 2 *s.* for every Act that is Regiſtred, as a conſtant Fee for keeping a fair Calendar, and at the rate of 6 *d.* for every hundred words that he ſhall enter into his Regiſter Book, according to his Warrant ſent him under Hand and Seal.

XI. That ſuch Regiſter do enter any Caveat that [redacted] ſent him under Hand and Seal, teſtified by two Witneſſes, for the Fee of 2 *s.* as aforeſaid, and 6 *d.* for every hundred words as aforeſaid. And that ſuch Caveat be ſufficient notice to any Purchaſer, *&c.*

XII. That ſuch Regiſter ſhall make any ſearch that is demanded, at the rate of 4 *d. per* year; and ſhall give any Certificate required, not exceeding one hundred words for 1 *s.* and ſo for every hundred words ſo certified.

XIII. That upon Conviction of any imbezelment of the ſaid Regiſter Book, or any raſing or interlining in the ſame, not agreeing with ſuch Warrant as ſhall be given for any thing to be Regiſtred, that ſuch Regiſter ſhall forfeit treble damages to the party wronged, to be made good out of the 1000 *l.* Security ſo far as the ſame will extend: And likewiſe to forfeit his Office.

XIV. That a diſtinct Office be erected in *London*, near ſome of the Inns of Court, for Regiſtring all Statutes, Judgments, Recognizances, and Bonds to the King, in ſuch Alphabetical manner, as to the Names of the Cognizors and Cognizees, that upon an eaſie ſearch ſuch Incumbrances may preſently be diſcovered.

XV. That ſuch Officer be limited to ſome ſuch Rules as aforeſaid, in the Execution of his ſaid Office and concerning his Fees therein.

XVI. That the Cognizee do ſend a Warrant under Hand and Seal, of the name of the Cognizor and Cognizee, and date of ſuch Statute, Judgment, Recognizance, or Bond to the King, to be entred into the Regiſters Book exactly, according to ſuch Warrant, and then the Warrant to be filed by the Regiſter for his juſtification.

XVII. That

XVII. That once in ten years all Statutes, *&c.* remaining in force, be entred *de novo* in the Regiſtry, at the charge of the Cognizees, which will prevent both the difficulty and charge of ſearching.

From what hath been premiſed may ariſe theſe Conſiderations.

Firſt, That the duty of a Regiſter being only to keep a fair Book for entring what ſhall be ſent to him under Hand and Seal: If the pages of his Book be but numbred, and every Act that is entred be likewiſe numbred, it will be impoſſible for him to add or diminiſh a leaf, or raſe or interline any part of ſuch Book, without a manifeſt detection; and conſequently the ſaid Office will not be of ſo great Truſt, but that any indifferent perſon that can give a thouſand pound Security, may be ſufficiently qualified for ſuch Office.

Secondly, That any perſon having an Eſtate or Title to Regiſter, need but draw a ſhort extract of his Deed, and direct the ſame by Warrant under his Hand and Seal to the Regiſter to be entred; which may be ſent, if requiſite, even in a Poſt Letter, to any place with ſafety, if he have but an indifferent Friend there to receive it, ſee it entred, and then examined with the Warrant; which can neither be chargeable nor troubleſom.

Laſtly, That if a man have an hundred Deeds relating to any Eſtate, whereof he is in Poſſeſſion (if ſuch be not a redeemable Eſtate) though the ſame were Mortgages, or the like, that are kept on foot to preſerve the Title to ſuch an Eſtate, yet he need not Regiſter one of them, becauſe no man can ſell an Eſtate over a mans head that is in poſſeſſion.

From whence it may reaſonably be concluded that there is more in apprehenſion than in reality over the inconveniences of Regiſtry.

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